

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KELLY SERVICES, INC.,

Plaintiff,

Case No. 09-13445

v.

Hon. Avern Cohn

LYNN R. MILLER,

Defendant.

TEMPORARY RESTRAINING ORDER

The Court having reviewed Plaintiff Kelly Services, Inc.'s ("Kelly") Verified Complaint, Motion for Temporary Restraining Order and Preliminary Injunction and Brief in Support thereof, and the Court being otherwise duly advised in the premises;

IT IS HEREBY ORDERED THAT:

(1) On September 10, 2009, at 8:30 a.m., a hearing was held on Kelly's Motion for a Preliminary Injunction.

(2) Defendant Lynn Miller ("Miller") is temporarily enjoined, directly or indirectly:

- (a) From working for, or acting as, an employee, partner, stockholder, investor, owner, director, agent, or consultant for a competitor of Kelly (including, but not limited to, RightStaff) within Mecklenburg, Union, Gaston, Cabarrus, Lincoln, Cleveland, and Rowan Counties in North Carolina, and York, Lancaster, and Chester Counties in South Carolina, until further order of the Court;
- (b) From soliciting or performing services for any Kelly customer or client until further order of the Court;
- (c) From soliciting or being involved in the recruitment or hire of any Kelly employee until further order of the Court;

(d) From ever using or disclosing any of Kelly's confidential, proprietary or trade secret information or property; and

(e) From interfering, in any way, with any current customer or employee relationship of Kelly.

(3) Kelly stands to lose its employees, clients and customers, confidential, proprietary and trade secret information, the goodwill and referral business of its clients and customers, and revenues in an amount that cannot be readily ascertained. Kelly is also faced with the substantial risk that Defendant will unlawfully use Kelly's client and customer information and trade secrets to Kelly's competitive disadvantage. Such anticipated losses constitute irreparable harm in that they are so indefinite and speculative as to be incapable of exact proof.

(4) The Court is satisfied based on the evidence presented that it clearly appears from the specific facts shown by the Verified Complaint that immediate and irreparable injury, loss or damage will result to Plaintiff should this Temporary Restraining Order not issue.

(5) To the extent this Court grants this Order, the Court finds that the irreparable harm to Kelly if a Temporary Restraining Order is denied outweighs the harm to Defendant Miller if it is granted. Further, the public interest in protecting confidential information and preserving the status quo justifies issuance of this Order.

(6) Defendant shall immediately return all Kelly property to Kelly, including all originals and copies of tangible property, proprietary documents, trade secrets, confidential information, discs, notes, client files, client information, employment information, business development information, request for proposal, request for bid, client correspondence, meeting minutes, notes of site visits, marketing data, prospect meeting data, proposals, faxes, financial information, pricing, contracts, marketing brochures, marketing database, marketing plans, costs, customer lists, customer information, internal weaknesses, prospect lists, client lists, employee

lists, alliance relationships, competitive bid information, client contact lists, sales leads, prospective employee lists, business plans, profit, margin, and forecasting information, strategic planning, project costs, and any other Kelly data kept in any form or media whatsoever.

(7) Defendant shall preserve all evidence, including hard copies, electronic, computer or any other format, which in any way relates to the claims made in this case.

(9) This Order is issued on September 10, 2009 at 9:00 a.m.

(10) This Order shall remain in effect until the hearing scheduled on the Preliminary injunction on **Tuesday, September 15, 2009.**

IT IS SO ORDERED.

Date: September 10, 2009

s/Avern Cohn
United States District Court Judge